

## REMARKS

This Response, submitted in reply to the Office Action dated August 20, 2010 is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-19 are all the claims pending in the application.

### **I. Rejection of claims 1-6, 8-11, 13, 14 and 19 under 35 U.S.C. § 103**

Claims 1-6, 8-11, 13, 14 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (US Patent No 6,693,912), in view of Nomura et al. (US Patent No 6,930,984). Applicant traverses the rejection.

#### **Claim 1**

Claim 1 recites:

A method for reserving resources **in a packet communication network**, wherein the packet network is **a hybrid network comprising both active nodes and passive nodes**, wherein the active nodes consider information in active packets, said information relating to an execution environment of a respective active node, and wherein **an active data flow comprises a set of active packets executed by the execution environment**, the method comprising:

sending **a reservation packet** comprising **a request for reservation of resources constituting an execution environment for the active data flow**;

receiving said reservation packet by an active node in the network; and

reserving resources of the active node according to the request,

wherein **said reservation packet is in an active packet format**,

wherein **the active packet format comprises an indicator that indicates that the active packet comprises executable code or identifies a server from which an executable code is downloadable**;

wherein said resources constituting the execution environment comprise at least one of memory, passband size, and processing time, and

**wherein the reservation packet comprises parameters which are common to the active nodes of the network.**

The Examiner asserts that the combination of Wang and Nomura teach the elements of claim 1. However, Applicant submits that the combination of Wang with Nomura does not teach the claimed elements for at least the reasons submitted below.

Specifically, Wang is directed to an ATM network. See col. 3, lines 55-61. Wang does not teach or suggest reserving resources in a packet communication network and that the packet network is a hybrid network comprising both active nodes and passive nodes.

The Examiner asserts that col. 4, lines 5-15 of Wang teach “sending **a reservation packet** comprising **a request for reservation of resources constituting an execution environment for the active data flow.**” The Examiner reasons that a program is generated describing QoS requirements and the program is placed in an active packet.

However, Wang teaches that when end-user node 1A requests a connection to end-user node 1B, end-user node 1A generates a program describing its QoS requirements and the QoS mapping methods to be employed. The program specifies, for example, traffic parameters and other QoS parameters. The program is placed in an active packet P, which is encapsulated for transmission through LAN 2A. Therefore, the program which is generated by an end-user node describes the QoS requires. This does not teach or suggest sending **a reservation packet**

comprising a request for reservation of resources constituting an execution environment for the active data flow.

Wang at most discloses that the program code describes the QoS scheme used in LAN 2A, the resource reservation protocol (RSVP, for example), the protocol stack, and other necessary information. See col. 6, lines 5-15. Further, Wang discloses that active gateway 4C' constructs a new QoS mapping program, again specifying QoS requirements and mapping methods, including traffic parameters, QoS parameters, the QoS scheme in network 3A, a resource reservation protocol, a protocol stack, and other necessary information. See col. 6, lines 30-37.

However, there is no teaching or suggestion of sending a reservation packet comprising a request for reservation of resources constituting an execution environment for the active data flow, as claimed.

Claim 1 further recites "wherein **said reservation packet is in an active packet format.**" The Examiner asserts that Fig. 6 and col. 3, lines 17-27 of Wang teaches this aspect of the claim. Wang discloses that the payload of an active packet P specifies QoS requirements and QoS mapping methods in the form of a program; that is, a set of rules or an algorithm. However, there is no teaching or suggest that the reservation packet is an active packet. Further, for purposes of clarity in the record, Applicant requests that the Examiner more particularly identify which aspect of Wang is being cited for teaching the claimed reservation packet.

The Examiner asserts that col. 4, lines 5-10 and col. 6, lines 30-37 of Wang teach that **"the reservation packet comprises parameters which are common to the active nodes of the**

**network.”** The Examiner reasons that the QoS parameters and traffic parameters are common to active nodes of the network.

The aspects of Wang cited by the Examiner describe the program in the active packet P’. Further, the QoS parameters and traffic parameters are included in the program. However, this does not teach or suggest that a reservation packet comprises parameters which are common to the active nodes of the network.

The Examiner states that Wang does not teach “wherein said resources constituting the execution environment [for the active data flow comprising a set of active packets]comprise at least one of memory, passband size, and processing time,” and cites Nomura to cure the deficiency. The aspects of Nomura cited by the Examiner describe that RSVP is a control protocol for reserving resources including memory resources. However, this does not teach or suggest that the resources constituting the execution environment [for the active data flow comprising a set of active packets]comprise at least one of memory, passband size, and processing time, as claimed.

For at least the above reasons, claim 1 and its dependent claims 2-19 should be deemed allowable.

## **II. Rejection of claims 7, 12 and 15 under 35 U.S.C. § 103**

Claims 7, 12 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (US Patent No 6,693,912), in view of Nomura et al. (US Patent No. 6,930,984), and further in view of Eichert et al. (US Patent No. 6,393,474). Claims 7, 12 and 15 should be

deemed allowable by virtue of their dependency to independent claim 1 for at least the reasons set forth above. Moreover, Eichert does not cure the deficiencies of Wang and Nomura.

**III. Rejection of claim 16 under 35 U.S.C. § 103**

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (US Patent No 6,693,912), in view of Nomura et al (US Patent No 6,930,984), and further in view of Simpson et al. (US Patent Application No 2003/0084151). Claim 16 should be deemed allowable by virtue of its dependency to independent claim 1 for at least the reasons set forth above. Moreover, Simpson does not cure the deficiencies of Wang and Nomura.

**IV. Rejection of claim 17 under 35 U.S.C. § 103**

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (US Patent No 6,693,912), in view of Nomura et al (US Patent No 6,930,984), and further in view of Frouin et al. (US Patent Application No 2005/0018607). Claim 17 should be deemed allowable by virtue of its dependency to independent claim 1 for at least the reasons set forth above. Moreover, Frouin does not cure the deficiencies of Wang and Nomura.

**V. Rejection of claim 18 under 35 U.S.C. § 103**

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (US Patent No 6,693,912), in view of Nomura et al. (US Patent No 6,930,984), and further in view of Simpson et al. (US Patent Application No 2003/0084151) and Frouin et al. (US Patent

Application No 2005/0018607). Claim 18 should be deemed allowable by virtue of its dependency to independent claim 1 for at least the reasons set forth above. Moreover, Simpson and Frouin do not cure the deficiencies of Wang and Nomura.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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